IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRD DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 15913 of 2004

Between:

Shaik Ali Saberi, S/o. Shaik Abdulla Saberi,
R/o. H.No. 1-3-270/1 (1-4-74), Madina Majeed Road, Phulong,

Nizamabad.

..... PETITIONER

AND

The Commissioner, Nizamabad Municipal Council,
Nizamabad, Nizamabad District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to to issue any order or direction Writ or Writs more particularly one in the nature of WRIT OF MANDAMUS declaring the action of the respondent in threatening to demolish the petitioner's house bearing No.New 1-3-270/1 (1-4-74) situated at Madina Majeed Road, Phulong, Nizamabad without issuing any notice under the Land Acquisition Act or Municipalities Act is illegal, arbitrary and against the principles of natural justice

For the Petitioner:MRCH.JANARDHAN REDDY, Advocate

For the Respondent: MR.R.TIMMA REDDY, Standing Counsel

The Court made the following :

ORAL ORDER:

Heard the learned counsel for the petitioner and Sri R.Thimma Reddy, learned Standing Counsel for the respondent.

The only grievance ventilated in the writ petition is that the respondent without following due procedure is threatening to demolish the house of the petitioner for the purpose of widening of the road. It is further stated that the respondent has started demolition of the buildings in the vicinity of the petitioner's building and there is every likelihood of the respondent to proceed with the demolition of the petitioner's building.

It is well settled by a catena of decisions of this court that the property of the citizens for widening of the roads can only be acquired by following the due procedure as contemplated either under the Land Acquisition Act, 1894 or under A.P. Municipalities Act.

Learned Standing Counsel for the respondent submits that whenever the

respondent is proceeding with the work of widening of the road, necessary notices will be issued and only after following due procedure as laid down by this court in various judgments, widening of the road work will be taken up.

In view of the same, it is needless to observe the respondent will follow due procedure before taking the property of the petitioner for the purpose of widening of the road as contemplated either under the provisions of Land Acquisition Act or A.P. Municipalities Act. Till then, the respondent shall not demolish the premises of the petitioner viz., House No.1-3-270/1 (New) (1-4-74) situate at Madina Majeed Road, Phulong, Nizamabad.

The writ petition is accordingly disposed of.

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A.GOPAL REDDY,J

Dt.3-9-2004

Kmr

To

1. The Commissioner, Nizamabad Municipal Council,
Nizamabad, Nizamabad District.

2. Two CD copies.